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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1550 OF 2007

The State of Maharashtra & ors. ... Petitioners

V/s

Smt. Ujwala Jagannath Kadam ... Respondent

Mr. A.P. Vanarase, A.G.P. for the petitioners.

Mr. M.S. Topkar for the respondent No.1.

Mr. Sudhir Prabhu for respondent Nos. 2 and 3.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 6TH JULY, 2007.

P.C.:

1. The petitioners have challenged the judgment and order of the School Tribunal dated 27.4.2004. The writ petition is filed on 19.1.2007 after two and half years. This delay is sufficient to reject the petition.

2. The learned A.G.P. submits that a Govt. Resolution dated 10.9.2001 indicates that the post on which the respondent Clerk was employed has lapsed since it was vacant for six years. The provisions of the Govt. Resolution do not indicate in any manner that, a post lapses when it is vacant for six years. Apart from this

the respondent Clerk was appointed on 20.6.2000 against an approved post. Under the Govt. Resolution, the survey was to be taken as to whether there was vacant posts upto 31.10.2001. Admittedly, by this date the post had already been filled by the appointment of the respondent Clerk on 20.6.2000.

3. Writ petition rejected.

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